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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4994 OF 2007

Raigad Shramik Sanghatana ... Petitioner

V/s

Grindwell Norton Ltd. ... Respondent

Mr. R.D. Bhat for the petitioner.

Mr. C.U. Singh i/by Mr. P.M. Mokashi for the respondent.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 13TH AUGUST, 2007.

P.C.:

1. The petitioner challenges the order passed by the Industrial Tribunal on an interim relief application filed by the union in Reference (IT) No. 33 of 2006. According to the union, the Tribunal, while rejecting the demand for interim relief, has not considered the fact that no wage rise has been given to the workmen who are members of the petitioner union since the year 2000. It is also submitted that while the members of the two other unions have been given a wage rise in terms of a settlement dated 26.5.2006, wages of the members of the petitioner union have stagnated. It is, therefore,

submitted that the prayer for Rs.2000/- by way of an interim relief was justified and the Tribunal ought to have granted this prayer.

2. On the other hand, the respondent Company has submitted that the settlement of 26.5.2006 and an earlier settlement gave a package deal to the workmen and 2/3 of the workers employed by the Company have accepted this settlement. It is submitted that the Company is ready and willing to sign the same settlement with the present union. The learned counsel for the respondent Company pointed out that the union has refused to do so because there is a clause in the settlement which requires the workmen to give a certain level of production and the union is refusing to comply with the same. It is further submitted that, it has been pleaded by the Company in the written statement that an award should be made in terms of the settlement of 26.5.2006 since it is a fair and proper settlement.

3. The Industrial Court has considered the arguments advanced by both parties. He has recorded the statement made by the representative appearing for the petitioner that the union was not averse to give increase in production, however, the representative did not give any indication that the production level would be raised by

a particular percentage and, therefore, the interim relief was refused.

4. In my view, it would be proper to direct the Tribunal to consider in the first instance, whether the settlement of 26.5.2006 is fair and proper and whether an award in terms of that settlement should be made in the reference. If the issues are answered in the negative, the Tribunal may consider whether to grant the wage increase demanded by the workmen represented by the petitioner union. The reference is of the year 2006 and, therefore, in my view, it would not be proper to direct the Industrial Tribunal to decide the wage reference within a particular period at this stage. However, in the event the reference is not decided within a year, the petitioner union may make an application for interim relief which will be decided by the Tribunal on its own merits, uninfluenced by the impugned award.

5. It is expected that parties will co-operate with the Tribunal in disposing of the Reference as well as any application for interim relief which may be made by the union.

6. Petition disposed of accordingly.

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